

**REMARKS/ARGUMENTS**Claim Status

Claims 1-66 are pending. Claims 1-66 stand rejected.

Claims 1, 8, 9, 12, 17, 18, 24, 45, 52, 57, and 62 have been amended. No claims have been canceled or added.

Claim Rejections - 35 U.S.C. § 102

Claims 1-66 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sprecher et al. (U.S. Pat. No. 6,948,059 B1).

Applicant respectfully traverses this rejection and requests that it be withdrawn in light of the claim amendments made herein, for the following reasons.

Claim 1, as amended, recites "a first field-programmable unit (FPU) of a first type, the first FPU including first field-programmable unit code." The term "field-programmable unit" (FPU) refers to a *hardware* device, while the term "FPU code" refers to electrical signs stored in that device. For example, as described generally in the Background section of the present application:

The term "field-programmable unit" (FPU)  
refers to a hardware component whose  
functionality may be modified by electronically

programming it. Examples of FPU's include system firmware (e.g., BIOS), embedded enclosure process firmware, and Field-Programmable Gate Arrays (FPGAs). Each of these kinds of FPU's is capable of storing electrical signals representing code that dictates, in whole or in part, the functions performed by the FPU. The functionality of an FPU, therefore, may be modified merely by modifying the code (in the form of electrical signals) stored in the FPU.

Again, claim 1 recites "a first field-programmable unit"—a hardware device—"including first field-programmable unit (FPU) code." FIG. 6B shows an example of such an FPU. In FIG. 6B, FPU 602a is a hardware component which includes FPU code 604a.

Claim 1, as amended, further recites "determining whether the first FPU and first FPU code"—which is stored in the first FPU—"are compatible with a second FPU and second FPU code in the computer system." For example, the method 100 of FIG. 1 may be used to determine whether the FPU 602 and the FPU code 604a that it contains are compatible with the FPU's 602b-e and the FPU codes 604b-e that they contain.

Furthermore, note that the first and second FPUs recited in claim 1 are of different *types*. Support for this limitation may be found, for example, at p. 11, lines 5-10, which states that:

In the embodiment illustrated in FIGS. 6A-6B, each of the slots 606a-d is designed to receive an FPU of a particular type. For example, slot 606a may be designed to receive firmware implementing the system BIOS, while slot 606b may be designed to receive an FPGA implementing a particular I/O controller.

A system BIOS is an example of an FPU of a first type. An FPGA is an example of an FPU of a second type that differs from the first type.

Sprecher does not disclose determining whether components, whether hardware or software, *of different types* are compatible with each other. For example, Sprecher's available resource table 54, as shown in FIG. 4 of Sprecher, indicates whether a particular *version* of a hardware or software resource is upwardly compatible with another *version* of the *same type* of hardware or software resource. For example, the first row of the table 54 shown in FIG. 4 indicates that versions 1.4 and 1.5 (column 62) of the resource of *type* "AB CAT #1011" (column 56) are upwardly compatible with version 2.0 (column 60) of that *type* of resource. Similarly, the third row of

the table 54 shown in FIG. 4 indicates that versions 2.5-4.0 (column 62) of the resource of type "www.drv.com" (column 56) are upwardly compatible with version 4.1 of that *type* of resource.

The available resource table 54 in FIG. 4 does *not* provide any indication of whether different *types* of resource—such as the "AB CAT #1011" type and the "www.drv.com" type resources—are compatible with each other. The available resource table 54 only indicates whether different *versions* of the *same type* of resource are compatible with each other.

This conclusion is confirmed by FIG. 5 of Sprecher and the accompanying text. In particular, the method of FIG. 5 performs a search for a required hardware or software component having a particular type (step 72). If a resource of the correct type is found (step 74), then the method of FIG. 5 compares the versions of the required resource and the found resource (step 80). It is only if the two resources are of the same type (step 74) but differ in version (step 80) that a compatibility determination is made (step 84). In other words, the method of FIG. 5 only determines whether two resources of the *same type* are compatible with each other. The method of FIG. 5 does not, therefore, determine whether two field-programmable units of different types are identified as being compatible with each other, as required by claim 1, as amended.

For this reason alone, claim 1, as amended, patentably distinguishes over Sprecher.

Furthermore, note that claim 1, as amended, recites determining whether the first FPU *and* the first FPU code are compatible with the second FPU *and* the second FPU code. Support for this limitation may be found, for example, in FIG. 2, steps 202-208 and accompanying text at p. 17, line 11 - p. 18, line 10. This determination involves determining whether a particular combination of one FPU and the FPU code it contains are compatible with at least one other FPU and the FPU code it contains. Sprecher does not disclose making any such determination about the compatibility of one hardware component (FPU) and the code it contains with another hardware component and the code it contains. For example, Sprecher discloses that element 44 may be either a software component or a hardware component, but does not disclose that 44 may be a hardware component which *contains* software.

Claims 2-11 depend, either directly or indirectly, from claim 1 and therefore patentably distinguish over Sprecher for at least the same reasons.

Claim 12 has been amended to include substantially similar limitations to claim 1. Claim 12, therefore, patentably distinguishes over Sprecher for at least the same reasons as claim 1. Claims 13-17 depend, either directly or indirectly, from claim

12, and therefore patentably distinguish over Sprecher for at least the same reasons as claim 12.

Claim 18 has been amended to include substantially similar limitations to claim 1. Claim 18, therefore, patentably distinguishes over Sprecher for at least the same reasons as claim 1. Claims 19-23 depend, either directly or indirectly, from claim 18, and therefore patentably distinguish over Sprecher for at least the same reasons as claim 18.

Claim 24 has been amended to include substantially similar limitations to claim 1. Claim 4, therefore, patentably distinguishes over Sprecher for at least the same reasons as claim 1. Claims 25-29 depend, either directly or indirectly, from claim 24, and therefore patentably distinguish over Sprecher for at least the same reasons as claim 24.

Applicant traverses the rejection of claim 30 for the reason that Sprecher does not disclose all of the express limitations of claim 30, as originally filed. More specifically, claim 30 recites "a computer system including a first field-programmable unit including first FPU code and a second field-programmable unit including second FPU code." Claim 30 further recites, "after replacement of the second field-programmable unit by the first field-programmable unit, determining whether the first FPU code is different from the second FPU code."

Sprecher does not disclose replacing a first FPU—which, as described above, is a hardware component containing FPU code—with a second FPU containing second FPU code. Rather, as described above, Sprecher merely describes installing element 44, which Sprecher describes primarily as one or more *software* components to be installed. Although Sprecher does disclose that hardware components can be installed, Sprecher does *not* disclose that a hardware component *containing* software—such as an FPU containing FPU code—may be installed, and that a comparison between the software on the two hardware components may be compared. Therefore, Sprecher does not disclose an express limitation of claim 30, namely, “after replacement of the second field-programmable unit by the first field-programmable unit, determining whether the first FPU code is different from the second FPU code.”

Claims 31-34 depend, either directly or indirectly, from claim 30, and therefore patentably distinguish over Sprecher for at least the same reasons as claim 30.

Claim 35 includes substantially the same relevant limitations as claim 30, and therefore patentably distinguishes over Sprecher for at least the same reasons as claim 30. Claims 36-38 depend, either directly or indirectly, from claim 35 and therefore patentably distinguish over Sprecher for at least the same reasons as claim 35.

Claim 39 includes substantially the same relevant limitations as claim 30, and therefore patentably distinguishes over Sprecher for at least the same reasons as claim 30. Claims 40-41 depend, either directly or indirectly, from claim 39 and therefore patentably distinguish over Sprecher for at least the same reasons as claim 35.

Similarly, claim 42 recites "a first field-programmable unit (FPU) comprising first FPU code" and "a second FPU comprising second FPU code." Claim 42 further recites "determin[ing] whether the first FPU code is different from the second FPU code." As described above, Sprecher does *not* disclose that a hardware component *containing* software—such as an FPU containing FPU code—may be installed, and that a comparison between the software on the two hardware components may be compared. Therefore, Sprecher does not disclose an express limitation of claim 42, namely, "a compatibility verifier being operable to determine whether the first FPU code is different from the second FPU code." Claim 42, therefore, patentably distinguishes over Sprecher. Claims 43-44 depend, either directly or indirectly, from claim 42 and therefore patentably distinguish over Sprecher for at least the same reasons as claim 42.

Claim 45 includes substantially the same relevant limitations as claim 42 and therefore patentably distinguishes over Sprecher for at least the same reasons as claim 42. Claims 46-51 depend, either



directly, or indirectly, from claim 45 and therefore patentably distinguish over Sprecher for at least the same reasons as claim 45.

Claim 52 includes substantially the same relevant limitations as claim 45 and therefore patentably distinguishes over Sprecher for at least the same reasons as claim 45. Claims 53-56 depend, either directly, or indirectly, from claim 52 and therefore patentably distinguish over Sprecher for at least the same reasons as claim 52.

Claim 57 includes substantially the same relevant limitations as claim 52 and therefore patentably distinguishes over Sprecher for at least the same reasons as claim 52. Claims 58-61 depend, either directly, or indirectly, from claim 57 and therefore patentably distinguish over Sprecher for at least the same reasons as claim 57.

Claim 62 includes substantially the same relevant limitations as claim 57 and therefore patentably distinguishes over Sprecher for at least the same reasons as claim 57. Claims 63-66 depend, either directly, or indirectly, from claim 62 and therefore patentably distinguish over Sprecher for at least the same reasons as claim 62.

**CONCLUSIONS**

Any dependent claims not specifically discussed above depend, either directly or indirectly, from the independent claims discussed above and therefore are patentable for at least the same reason(s).

If the Examiner wishes to discuss this Response, the Examiner is requested to call the Applicant's attorney at the phone number listed below.

If this response is not considered timely filed and if a request for extension of time is otherwise absent, applicant hereby requests any extension of time. Please charge any fees or make any credits, to Deposit Account No. 08-2025.

Respectfully submitted,

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December 21, 2007

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